

Outten & Golden LLP

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PHILIP FEI, on behalf of himself
and classes of those similarly situated,

Plaintiff,

-against-

WEST LB AG,

Defendant.

07 Civ. 8785 (HB)(FM)

**SUPPLEMENTAL
DECLARATION OF
LINDA A. NEILAN**

I, Linda A. Neilan, declare, upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an associate at Outten & Golden LLP, attorneys for Plaintiff and the putative class, and an attorney in good standing admitted to practice in the State of New York and before this Court. I make this supplemental declaration in support of Plaintiff's Reply Memorandum of Law in Support of Plaintiff's Motion for Conditional Certification and Court-Authorized Notice Pursuant to Section 216(b) of the FLSA.

Procedural History

2. On April 24, at approximately 5:30 p.m., Defendant produced a box of documents.

3. On May 8, 2008, Defendant took the deposition of Plaintiff Philip Fei.

4. On May 15, 2008, Plaintiff took the deposition of Vivian Yost (the outside consultant who was involved in Defendant's reclassification project of executives).

5. Plaintiff noticed the following depositions on the following dates: Amy Favetta on June 10, 2008, Gregg Rieber on June 12, 2008, Natalie Henriquez on June 13, 2008, Janine Cristiano on June 17, 2008, and Linda Carro on June 19, 2008. The parties are in the process of working out a deposition schedule for the individuals listed above.

Exhibits

6. Attached as Exhibit A is a true and correct copy of select pages from the transcript of a court conference in front of Magistrate Judge Frank Maas on April 3, 2008 ("Court Tr. 4/3/08").

7. Attached as Exhibit B is a true and correct copy of select pages from the transcript of a court conference in front of Magistrate Judge Frank Maas on May 22, 2008 ("Court Tr. 5/22/08").

8. Attached as Exhibit C is a true and correct copy of a document entitled "WestLB Executive Staff Exemption Tests" (Bates stamped D1567 – D1572) ("WestLB Executive Staff Exemption Tests"). This exhibit has been filed under seal with the Clerk of the Court in accordance with the Stipulation and Order Concerning Confidential Material Produced in Discovery.

9. Attached as Exhibit D is a true and correct copy of the Pretrial Scheduling Order dated January 18, 2008 ("Pretrial Scheduling Order").

10. Attached as Exhibit E is a true and correct copy of select testimony from a Fed. R. Civ. P. 30(b)(6) deposition of Defendant by Lisa Carro ("Carro Dep.") on March 18, 2008.

11. Attached as Exhibit F is a true and correct copy of select testimony from a deposition by Vivian Yost (“Yost Dep.”) on May 15, 2008.

Dated: June 6, 2008
New York, NY

/s/ Linda A. Neilan

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